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OFFICE OF PETITIONS

In re Application of :
Sakaue et al. : LETTER REGARDING
Application No. 09/749,602 : PATENT TERM ADJUSTMENT
Filed: December 28, 2000 :
Atty Docket No. 016887/1029 :

This letter is in response to the "LETTER (UNDER GENERAL OBLIGATION OF CANDOR AND GOOD FAITH BEFORE THE OFFICE)" filed August 23, 2005, notifying the Office of an error in Applicants' favor in the initial determination of patent term adjustment under 35 U.S.C. § 154(b). Applicants state that the patent term adjustment to date is seven hundred seventy-two (772) days, not eight hundred two (82) days.

The request for correction of the initial determination of patent term adjustment (PTA) is GRANTED. The determination of PTA at the time of the mailing of the Notice of Allowance is SEVEN HUNDRED SEVENTY-TWO (772) days.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment determination at the time of the mailing of the Notice of Allowance was SEVEN HUNDRED SEVENTY-TWO (772) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On June 6, 2005, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 802 days. Applicants disclose that a reduction of 30 days should have been entered for their delay in filing a response to the Notice to File Missing Parts mailed March 26, 2001. Their response was not received until July 26, 2001.

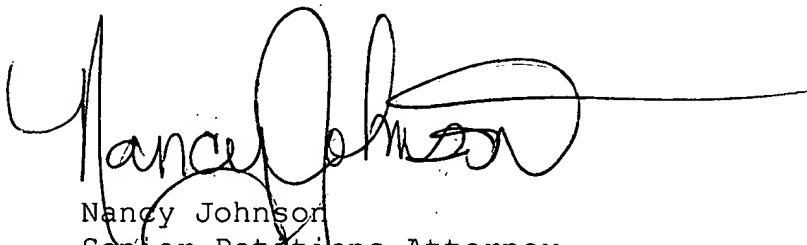
Applicants are correct. A review of the application history confirms that a reduction of 30 days, pursuant to § 1.704(b), should have been entered for applicant delay in responding to the Notice to File Missing Parts.

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance is 772 days.

As this letter was submitted to advise the Office of an error in Applicants' favor, the Office will not assess the \$200.00 application fee under 37 CFR 1.705(b). The Office thanks Applicants for their good faith and candor in bringing this matter to the attention of the Office.

The application file is being forwarded to the Office of Patent Publication for issuance of the patent. The Office regrets the delay in issuing the application. Applicants will also be entitled to additional patent term adjustment for the Office failing to issue the application within 4 months of the payment of the issue fee.

Telephone inquiries specific to this letter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of adjusted PAIR calculation

Day : Friday
Date: 3/10/2006

PALM INTRANET

Time: 17:47:28

PTA Calculations for Application: 09/749602					
Application Filing Date:		12/28/2000	PTO Delay (PTO):		892
Issue Date of Patent:			Three Years:		0
Pre-Issue Petitions:		0	Applicant Delay (APPL):		90
Post-Issue Petitions:		0	Total PTA (days):		772
PTO Delay Adjustment:		-30			

File Contents History					
Number	Date	Contents Description	PTO	APPL	START
34	03/10/2006	ADJUSTMENT OF PTA CALCULATION BY PTO		30	
21	06/06/2005	MAIL NOTICE OF ALLOWANCE	9		15
20	06/02/2005	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
19	06/02/2005	ISSUE REVISION COMPLETED			
18	05/31/2005	NOTICE OF ALLOWABILITY			
17	04/06/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
16	04/06/2005	DATE FORWARDED TO EXAMINER			
15	01/28/2005	RESPONSE AFTER NON-FINAL ACTION		90	12
14	01/28/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
13	01/28/2005	WORKFLOW INCOMING AMENDMENT IFW			
12	07/30/2004	MAIL NON-FINAL REJECTION	883		-1
11	07/26/2004	NON-FINAL REJECTION			
10	07/23/2004	CASE DOCKETED TO EXAMINER IN GAU			
9	07/31/2003	CASE DOCKETED TO EXAMINER IN GAU			
8	07/31/2003	CASE DOCKETED TO EXAMINER IN GAU			
7	02/11/2003	CASE DOCKETED TO EXAMINER IN GAU			
6	02/11/2003	DISPATCH FROM OIPE TO CORPS - U-P-R-D APPLICATION			
5	03/26/2001	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED			
4	03/26/2001	CORRESPONDENCE ADDRESS CHANGE			
3	03/23/2001	CORRESPONDENCE ADDRESS CHANGE			
2	01/13/2001	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	12/28/2000	INITIAL EXAM TEAM NN			